

375-1-1-.04 Final Agency Decisions in Administrative Hearings

Any decision issued by an Administrative Law Judge in a matter referred to the Office of State Administrative Hearings shall be the Department's Final Decision without further agency action and without the expiration of a 30 day review period unless expressly provided elsewhere in these regulations or by statute.

Authority: O.C.G.A. §50-13-41(e)(3).

SYNOPSIS

STATEMENT OF PURPOSE AND MAIN FEATURES OF PROPOSED RULE

The purpose of this proposed amendment is to make all decisions issued by the Administrative Judges of the Office of State Administrative Hearings immediately become the final decisions of the Department without further agency review or other action.

375-2-3-.03 Affidavit of Need for the Issuance of a Special License Plate After
Multiple Convictions for Driving Under the Influence

- (1) A person who has surrendered the license plates for all of the vehicles registered in his or her name as required by O.C.G.A. §40-2-136(a) following a second or subsequent conviction for Driving Under the Influence within five (5) years may apply to the Commissioner for authorization to obtain a special license plate.
- (2) Said application shall be made in the form approved by the Department.
- (3) The applicant for a special license plate must provide the Department with a written acknowledgement or receipt from the court or local tag agent to whom the previously issued license plates have been surrendered.
- (4) The applicant for a special license plate must provide the name, date of birth and driver's license number of another member of such person's household who possesses a valid driver's license. To be considered a member of the same household, the driver's license records of the Department must reflect that both the applicant and the other person have provided proof of residency at the same street address. The application for a special license plate will be denied if no other member of the applicant's household possesses a valid driver's license.
- (5) The proof of insurance requirements of O.C.G.A. §40-6-10 notwithstanding, the applicant for a special license plate must provide the name of his or her insurance company, the policy number assigned for the vehicle and the period of coverage for the insurance policy.
- (6) In order to be eligible for the issuance of a special license plate, the co-owner of the vehicle or a member of the applicant's family, other than the applicant, must be completely dependent upon the motor vehicle for the necessities of life and subjected to undue hardship without the issuance of a special license plate.
- (7) No applicant shall be eligible for the issuance of more than one (1) special license plate for each additional driver named in an application.
- (8) The Commissioner or his designee shall make a written determination as to whether the application for a special license plate is approved or denied within five (5) business days of the receipt of the application by the Department.
- (9) A local tag agent shall not issue a special license plate without receiving the written approval of the Commissioner
- (10) Upon approval of an application for a special license plate, the applicant shall present the original approved application to his or her local tag agent. He or she shall pay a fee of \$20.00.

- (11) Any person aggrieved by a decision of the Commissioner or his designee in the approval or denial of an application for a special license plate may make a request in writing to the Department for a hearing. Said request shall be forwarded for scheduling to the Office of State Administrative Hearings. Such hearing shall follow the procedures required by O.C.G.A. §50-13-1, et seq., the "Georgia Administrative Procedure Act."

Authority: O.C.G.A. §40-2-136.

SYNOPSIS

STATEMENT OF PURPOSE AND MAIN FEATURES OF PROPOSED RULE

The purpose of this proposed rule is to clarify the requirements for and circumstances under which the Commissioner will authorize the issuance of a special license plate pursuant to the authority granted in O.C.G.A. §40-2-136(c)(1).

375-2-12-.04

~~Certified Transcripts of Title Records.~~

~~Any person desiring a record search of undisclosed certificates of title, liens, or security interests, shall request such information in writing from the Commissioner of Motor Vehicle Safety on forms provided by the Commissioner. The fee for such search shall be five dollars (\$ 5.00) per vehicle and a certified transcript is ten dollars (\$ 10.00) per vehicle.~~

~~Authority: O.C.G.A. §§40-3-3, 40-3-36, 40-3-38, 48-2-12.~~

HISTORY. Original Rule entitled "Certified Transcripts of Title Records" adopted. F. Apr. 16, 2003; eff. May 6, 2003.

375-2-12-.04

Access to Certificate of Title and Registration Records. Amended.

1. Access to information contained in the Department's motor vehicle certificate of title and registration records is governed by O.C.G.A. §§40-2-130, 40-3-23, the Driver's Privacy Protection Act (18 U.S.C. §2721, *et seq.*), and other provisions of state and federal law.
2. Any person or entity wishing to assert a statutory exception to the general prohibition against disclosure of motor vehicle certificate of title and/or registration records that does not include an express requirement of the presentation of specific documentation may be required to supply the Department with adequate documentary or other evidence to demonstrate eligibility for the exception asserted. The determination of sufficiency of the evidence presented is at the discretion of the Commissioner or his designee.
3. Any person legally eligible to view and/or obtain information contained in the Department's motor vehicle certificate of title and registration records shall request such information in writing.
4. The fee for a search of the Department's motor vehicle certificate of title and registration records is five dollars (\$ 5.00) per vehicle. A fee for a certified copy of motor vehicle certificate of title and registration records is ten dollars (\$ 10.00) per vehicle.
5. Electronic access to motor vehicle certificate of title and registration records and/or portions thereof may be granted by the Commissioner at his or her sole discretion at a cost to be determined by the Department.

Authority: O.C.G.A. §§40-3-3, 40-3-36, 40-3-38, 48-2-12.

SYNOPSIS

STATEMENT OF PURPOSE AND MAIN FEATURES OF PROPOSED RULE

The purpose of this proposed amendment is to modify an existing regulation to clarify the procedure for obtaining access to motor vehicle certificate of title and registration records. An additional purpose of this amendment is to provide for electronic provision of motor vehicle certificate of title and registration records.

DIFFERENCES BETWEEN EXISTING AND PROPOSED RULES

The existing regulation is revised to reflect the statutory limitations on access to motor vehicle certificate of title and registration records and the procedure by which a person may take advantage of such an exception.

Additional language was added to provide for electronic access to motor vehicle certificate of title and registration records or portions thereof at the Commissioner's discretion and at a price other than that for the physical release of documents.

570-3-.02 — Application for Motor Vehicle Driver's Licenses: Required Information. Amended.

- (1) — All persons applying for any motor vehicle driver's license issued by the state of Georgia shall state in writing whether he has ever been issued a driver's license by the State of Georgia or any other state or agency and shall state the date and place of issuance with the license number, if known. This requirement shall not apply to persons applying for the renewal of a driver's license by means other than personal appearance, when authorized to do so by the Department.
- (2) — All persons applying for any motor vehicle driver's license issued by the State of Georgia shall state in writing whether he has taken any previous driver's license examination in any jurisdiction. This requirement shall not apply to persons applying for the renewal of a driver's license by means other than personal appearance, when authorized to do so by the Department.
- (3) — Any person applying for any motor vehicle driver's license issued by the State of Georgia shall state in writing if any previously issued license, whether issued by the State of Georgia or any other state or licensing agency, has ever been revoked, suspended or canceled, or whether any application for a motor vehicle driver's license has ever been denied. The application shall state the cause for revocation, suspension, cancellation or denial. The circumstances surrounding the action taken, the number of times such action has been taken and whether the license has been re-issued or application granted. This requirement shall not apply to persons applying for the renewal of a driver's license by means other than personal appearance, when authorized to do so by the Department.
- (4) — Any applicant for any motor vehicle driver's license issued by the State of Georgia shall state in writing whether he has been convicted of any previous violations of motor vehicle laws, in any jurisdiction, giving the nature and circumstances of the offense, the penalty imposed, and the date and place of the occurrence. This requirement shall not apply to persons applying for the renewal of a driver's license by means other than personal appearance, when authorized to do so by the Department.
- (5) — Any applicant for an initial Georgia driver's license shall furnish one of the following:
 - (a) — Original birth certificate;
 - (b) — Certificate or birth registration;
 - (c) — Certified copy of birth certificate;
 - (d) — Certified copy of court records (adoption, name, or sex change);
 - (e) — Certified naturalization documentation;
 - (f) — Immigration ID Card;
 - (g) — Valid passport.

- (6) — ~~Applicants for a Georgia driver's license must provide documentation proving either United States citizenship or legal authorization from the U.S. Immigration and Naturalization Service.~~
- (7) — ~~Any person applying for any driver's license issued by the State of Georgia shall furnish proof that the applicant resided in Georgia and provide a valid Georgia residence address. The following items are acceptable proof:~~
- (a) — ~~Utility bill with valid Georgia residence address;~~
 - (b) — ~~Bank statement with valid Georgia residence address;~~
 - (c) — ~~Rental contracts and/or receipts with valid Georgia residence address;~~
 - (d) — ~~Employer verification;~~
 - (e) — ~~Georgia license issued to parent, guardian or spouse.~~

~~This requirement shall not apply to persons applying for the renewal of a driver's license by means other than personal appearance, when authorized to do so by the Department.~~

- (8) — ~~Application fees may be paid by cash, cashier's or certified checks, U.S. Postal, Telegraph or Bank Money Orders. No personal checks will be accepted, except for those persons renewing a driver's license or identification card by mail when authorized to do so by the Department. Persons who renew driver's license or identification card by telephone or by electronic means, when authorized to do so by the Department, may pay the applicable fee by use of such credit cards or debit cards as from time to time may be authorized for use by the Department.~~
- (9) — ~~Any person applying for a driver's license who wants their social security number to be utilized as the license number shall make a request at the time of application and present their official social security card. Any social security number beginning with a zero (0) shall not be utilized as a license number.~~
- (10) — ~~In accordance with O.C.G.A. § [40-5-28](#), all driver's licenses shall bear a color photograph of the licensee. Specifically, all applicants are to be photographed, with no part of the applicant's face covered.~~
- (11) — ~~In addition to the items listed in 570-3-32(1), (2), (3), or (4)(b), any two of the following documents will be acceptable proof of identity for a replacement Georgia driver's license:~~
- (a) — ~~Marriage License;~~
 - (b) — ~~Social Security Card;~~
 - (c) — ~~Previous Year Income Tax Return;~~
 - (d) — ~~Current Insurance Policy;~~
 - (e) — ~~Current Automobile Registration Receipt;~~
 - (f) — ~~Voter Registration Card.~~

~~(12) — In lieu of any other requirement imposed by the regulations of the Department of Motor Vehicle Safety, the applicant's fingerprints will be acceptable proof of identity for a replacement Georgia driver's license or identification card under the following conditions:~~

- ~~(a) — The applicant has previously been issued a Georgia driver's license or identification card;~~
- ~~(b) — As a part of the process for obtaining a Georgia driver's license or identification card, the applicant furnished fingerprints ;~~
- ~~(c) — The applicant furnished his or her fingerprints by means of an inkless fingerprint scanning device;~~
- ~~(d) — The applicant furnishes his or her fingerprints to the Department by means of an inkless fingerprint scanning device at the time of application for a replacement driver's license or identification card; and~~
- ~~(e) — The fingerprints furnished at the time of application for a replacement driver' license or identification card match the fingerprints submitted at the time of issuance of the prior driver's license or identification card.~~

~~Authority Ga. L. 1937, pp. 322, 342, as amended (Ga. Code Ann. Sec. 92A-401, 92A-410, 92A-429) Ga. L. 1975, pp. 1008, 1016 (Ga. Code Ann. Sec. 68B-206); O.C.G.A. Secs. 40-5-28, 40-5-101.~~

Repealed.

375-3-1-.02 Documentation Required for Initial Issuance

1. All persons applying for initial issuance of any driver's license, permit or identification card issued by the Department state in writing whether he or she has ever been issued a driver's license by the State of Georgia or any other state or agency and shall state the date and place of issuance with the license number, if known. This requirement shall not apply to persons applying for the renewal of a driver's license, permit or identification card by means other than personal appearance, when authorized to do so by the Department.
2. All persons applying for initial issuance of any driver's license, permit or identification card issued by the State of Georgia shall state in writing whether he or she has taken any previous driver's license examination in any jurisdiction. This requirement shall not apply to persons applying for the renewal of a driver's license, permit or identification card by means other than personal appearance, when authorized to do so by the Department.
3. Any person applying for initial issuance of any driver's license, permit or identification card issued by the State of Georgia shall state in writing if any previously issued license, whether issued by the State of Georgia or any other state or licensing agency, has ever been revoked, suspended or canceled, or whether any application for a motor vehicle driver's license has ever been denied. The application shall state the cause for revocation, suspension, cancellation or denial. The circumstances surrounding the action taken, the number of times such action has been taken and whether the license has been re-issued or application granted. This requirement shall not apply to persons applying for the renewal of a driver's license, permit or identification card by means other than personal appearance, when authorized to do so by the Department.
4. Applicants for initial issuance of a Georgia driver's license, permit or identification card shall state in writing whether he or she has been convicted of any previous violations of motor vehicle laws, in any jurisdiction, giving the nature and circumstances of the offense, the penalty imposed, and the date and place of the occurrence. This requirement shall not apply to persons applying for the renewal of a driver's license, permit or identification card by means other than personal appearance, when authorized to do so by the Department.
5. Applicants for initial issuance of a Georgia driver's license, permit or identification card shall furnish one of the following as proof of his or her identity:
 - a. Original birth certificate;
 - b. Certificate or birth registration;
 - c. Certified copy of birth certificate;
 - d. Certified copy of court records (adoption, name, or sex change);
 - e. Certified naturalization documentation;

- f. Immigration ID Card;
 - g. Valid passport;
 - h. Military identification card issued by the United States armed forces.
- 6. Applicants for initial issuance of a Georgia driver's license, permit or identification card shall provide documentation proving either United States citizenship or legal authorization from the U.S. Immigration and Naturalization Service.
 - a. In order to prove United States citizenship, an applicant for an initial Georgia driver's license, permit or identification card shall furnish one of the following as proof thereof:
 - i. Original birth certificate issued by a United States jurisdiction;
 - ii. Certified copy of birth certificate issued by a United States jurisdiction;
 - iii. Valid United States passport;
 - iv. Original certificate of citizenship (Form N560);
 - v. Certified copy of certificate of citizenship (Form N560);
 - vi. Original certificate of naturalization (Form N550);
 - vii. Certified copy of certificate of naturalization (Form N550).
 - b. In order to prove legal authorization from the United States Immigration and Naturalization Service, an applicant for an initial Georgia driver's license, permit or identification card shall furnish one of the following as proof thereof:
 - i. Foreign passport with appropriate immigration documents;
 - ii. Resident Alien Card (Form I-551);
 - iii. Temporary Resident Alien Card (Form I-668);
 - iv. United States Department of Receptions and Placement Program Assurance Form (for refugees).
- 7. Applicants for initial issuance of a Georgia driver's license, permit or identification card shall furnish proof that the applicant currently resides in Georgia and provide a valid Georgia residence address. The following items are acceptable proof:
 - a. Utility bill issued within the last forty-five (45) days with valid Georgia residence address;
 - b. Bank statement issued within the last forty-five (45) days with valid Georgia residence address;
 - c. Currently valid rental contracts and/or receipts for payments made within the last forty-five (45) days for rent payments with valid Georgia residence address;
 - d. Employer verification;

- e. Non-expired Georgia driver's license, permit or identification card issued to parent, guardian or spouse.

This requirement shall not apply to persons applying for the renewal of a driver's license, permit or identification card by means other than personal appearance, when authorized to do so by the Department.

8. Application fees may be paid by cash, cashier's or certified checks, U.S. Postal, Telegraph or Bank Money Orders. No personal checks will be accepted, except for those persons renewing a driver's license, permit or identification card by mail when authorized to do so by the Department. Persons who renew driver's license, permit or identification card by telephone or by electronic means, when authorized to do so by the Department, may pay the applicable fee by use of such credit cards or debit cards as from time to time may be authorized for use by the Department.
9. Any person applying for a driver's license, permit or identification card who wants their social security number to be utilized as the license number shall make a request at the time of application and present their official social security card. Any social security number beginning with a zero (0) shall not be utilized as a license number.
10. In accordance with O.C.G.A. §40-5-28, all driver's licenses shall bear a color photograph of the licensee. Specifically, all applicants are to be photographed, with no part of the applicant's face covered. All applicants shall submit fingerprints by means of the Department's inkless fingerprint scanning device.
11. In addition to the items listed in this regulation, any two of the following documents will be acceptable proof of identity for a replacement Georgia driver's license, permit or identification card:
- a. Marriage License;
 - b. Social Security Card;
 - c. Previous Year Income Tax Return;
 - d. Current Insurance Policy;
 - e. Current Automobile Registration Receipt;
 - f. Voter Registration Card.
12. In lieu of any other requirement imposed by the regulations of the Department of Motor Vehicle Safety, the applicant's fingerprints will be acceptable proof of identity for a replacement Georgia driver's license, permit or identification card under the following conditions:
- a. The applicant has previously been issued a Georgia driver's license or identification card;

- b. As a part of the process for obtaining a previously issued Georgia driver's license, permit or identification card, the applicant furnished fingerprints by means of an inkless fingerprint scanning device;
- c. The applicant furnishes his or her fingerprints to the Department by means of an inkless fingerprint scanning device at the time of application for a replacement driver's license or identification card; and
- d. The fingerprints furnished at the time of application for a replacement driver's license or identification card match the fingerprints submitted at the time of issuance of the prior driver's license, permit or identification card.

Authority: O.C.G.A. §§40-5-4, 40-5-101.

SYNOPSIS

STATEMENT OF PURPOSE AND MAIN FEATURES OF PROPOSED RULE

The purpose of this proposed amendment is to modify an existing regulation in light of changes in the governing statutes, specifically the changes made by H.B. 1441, enacted at the 2000 session of the General Assembly, which created the Department of Motor Vehicle Safety and transferred the responsibility for administration of the law relating to the issuance of driver's licenses to that agency. Additional purposes of this amendment are to clarify the types of documents that may be presented as proof of identity and describe the documents that may be used to prove residency as defined in O.C.G.A. §40-5-1.

DIFFERENCES BETWEEN EXISTING AND PROPOSED RULES

The existing regulation is repealed and reenacted, as modified, with the rules and regulations of the Department of Motor Vehicle Safety.

Language was added to clarify that the regulatory requirements apply to all applicants for licenses, permits and identification cards.

Military identification cards may now be used to prove identity.

Specific documents are identified as satisfactory proof of citizenship or legal authorization from the U.S. Immigration and Naturalization Service. Additional clarification is added to the documents that may be used to prove residency in the State of Georgia.

375-3-3-.01 Moving Traffic Violations Defined. Amended.

(a) For the purposes of O.C.G.A. § 40-5-57, the following violations are defined as “moving traffic violations,” in addition to the violations enumerated in O.C.G.A. § 40-5-57(c)(1)(A):

- (i) O.C.G.A. § 40-6-6 Emergency Vehicle Violation
- (ii) O.C.G.A. § 40-6-11 No Proof of Insurance Motorcycle
- (iii) O.C.G.A. § 40-6-14 Limits on Sound Volume¹
- (iv) O.C.G.A. § 40-6-40 Improper Lane Usage
- (v) O.C.G.A. § 40-6-41 Oncoming Traffic
- (vi) O.C.G.A. § 40-6-42 Improper Passing
- (vii) O.C.G.A. § 40-6-43 Improper Passing
- (viii) O.C.G.A. § 40-6-44 Improper Passing
- (ix) O.C.G.A. § 40-6-45 Improper passing²
- (x) O.C.G.A. § 40-6-46 No passing zones
- (xi) O.C.G.A. § 40-6-47 Wrong way on one-way road
- (xii) O.C.G.A. § 40-6-48 Failure to maintain lane
- (xiii) O.C.G.A. § 40-6-49 Following too closely
- (xiv) O.C.G.A. § 40-6-50 Driving on Divided Highway
- (xv) O.C.G.A. § 40-6-51 Illegal Use of Controlled-Access Road
- (xvi) O.C.G.A. § 40-6-52 Truck Lane Usage
- (xvii) O.C.G.A. § 40-6-70 Failure to Yield at Intersection
- (xviii) O.C.G.A. § 40-6-71 Failure to Yield when Turning Left
- (xvix) O.C.G.A. § 40-6-72 Stop/Yield Sign Violation
- (xx) O.C.G.A. § 40-6-73 Failure to Yield Crossing or Entering Road
- (xxi) O.C.G.A. § 40-6-74 Failure to Yield to Emergency Vehicle
- (xxii) O.C.G.A. § 40-6-75 Failure to Yield to Construction/Maintenance
- (xxiii) O.C.G.A. § 40-6-76 Failure to Yield to Funeral Procession
- (xxiv) O.C.G.A. § 40-6-91 Failure to Yield to Pedestrian
- (xxv) O.C.G.A. § 40-6-93 Failure to Use Due Care to Pedestrian
- (xxvi) O.C.G.A. § 40-6-94 Failure to Yield to Blind Pedestrian
- (xxvii) O.C.G.A. § 40-6-98 Driving Through Safety Zone
- (xxviii) O.C.G.A. § 40-6-120 Improper Turning
- (xxvix) O.C.G.A. § 40-6-121 Improper U-Turn
- (xxx) O.C.G.A. § 40-6-123 Improper Turning, Failure to Signal
- (xxxi) O.C.G.A. § 40-6-124 Improper Use of Signal Lights
- (xxxii) O.C.G.A. § 40-6-125 Improper Use of Hand Signals
- (xxxiii) O.C.G.A. § 40-6-126 Improper Use of Turning Lane
- (xxxiv) O.C.G.A. § 40-6-142 Certain vehicles to stop at all railroad crossings
- (xxxv) O.C.G.A. § 40-6-143 Moving heavy equipment at railroad crossings
- (xxxvi) O.C.G.A. § 40-6-144 Emerging from alley, driveway, or building

¹ For persons operating a motor vehicle.

² The provisions of O.C.G.A. § 40-6-45(a)(1), relating to improper passing on a hill or curve, are excluded pursuant to the provisions of O.C.G.A. § 40-5-57(c)(1)(A).

(xxxvii) O.C.G.A. § 40-6-161 Operating school bus without headlights
 (xxxviii) O.C.G.A. § 40-6-162 Failure to use visual signals by school bus
 (xxxix) O.C.G.A. § 40-6-164 Failure of school bus driver to yield right of way
 (xl) O.C.G.A. § 40-6-184 Impeding traffic flow
 (xli) O.C.G.A. § 40-6-205 Obstructing intersection
 (xlii) O.C.G.A. § 40-6-240 Improper Backing
 (xliii) O.C.G.A. § 40-6-241 Failure to exercise due care
 (xliv) O.C.G.A. § 40-6-242 Driving with obstructed view
 (xlv) O.C.G.A. § 40-6-244 Allowing occupancy of moving house trailer
 (xlvi) O.C.G.A. § 40-6-245 Improper driving thru canyon or on mountain
 (xlvii) O.C.G.A. § 40-6-246 Coasting
 (xlviii) O.C.G.A. § 40-6-247 Following emergency vehicles
 (xlvix) O.C.G.A. § 40-6-248 Crossing fire hose
 (l) O.C.G.A. § 40-6-250 Wearing device impairing hearing or vision
 (li) O.C.G.A. § 40-6-251 Laying drags
 (li) O.C.G.A. § 40-6-252 Cruising
 (lii) O.C.G.A. § 40-6-253.1 Transportation of etiologic agent
 (liii) O.C.G.A. § 40-6-271 Striking unattended vehicle
 (liv) O.C.G.A. § 40-6-272 Striking fixture
 (lv) O.C.G.A. § 40-6-273 Failure to report accident
 (lvi) O.C.G.A. § 40-6-275 Failure to remove vehicle from roadway
 (lvii) O.C.G.A. § 40-6-311 Manner of riding motorcycle
 (lviii) O.C.G.A. § 40-6-312 Operating motorcycle on road laned for traffic
 (lix) O.C.G.A. § 40-6-313 Clinging to other vehicles
 (lx) O.C.G.A. § 40-6-314 Motorcycle footrest/handlebar violation
 (lxi) O.C.G.A. § 40-6-315 Motorcycle helmet/eyewear violation
 (lxii) O.C.G.A. § 40-6-352 Moped helmet violation
 (lxiii) O.C.G.A. § 40-6-361 Improper lane usage-low speed vehicle
 (lxiv) O.C.G.A. § 40-6-362 Improper highway access-low speed vehicle
 (lxv) O.C.G.A. § 40-6-391(4) Child endangerment
 (lxvi) O.C.G.A. § 40-6-393.1 Feticide by vehicle (misdemeanor)

(b) The Department shall assess three (3) points to the driver history record upon receipt of notice of any of the above convictions.

(c) The Department shall assess points to the driver history record upon receipt of notice of a conviction for a moving traffic violation in another state in accordance with the actions required of a corresponding violation under Georgia law.

Authority: O.C.G.A. §§40-5-52; 40-5-57.

SYNOPSIS

STATEMENT OF PURPOSE AND MAIN FEATURES OF PROPOSED RULE

~~_____The purpose of this proposed amendment is to modify an existing regulation to remove a superfluous provision.~~

DIFFERENCES BETWEEN EXISTING AND PROPOSED RULES

The rule has been amended to remove any reference to endangering a child while driving under the influence. This offense was included in the existing regulation in error. 375-3-3-.04 Departmental Hearings. Amended.

~~1) Hearings on any action taken by the Revocation and Suspension Section which is subject to the Administrative Procedure Act shall be held in accordance with the Department of Public Safety Rule 570 1-.05.~~

~~(2) Hearings on any action taken by the Revocation and Suspension Section which is not subject to the Administrative Procedure Act shall be held in accordance with the Department of Public Safety Rule 570 1-.06.~~

~~(3) Request for Hearing: Unless the statutory section upon which the Revocation and Suspension Section bases its action provides for initiating hearings; any person who is legally entitled to contest a ruling or order of the Revocation and Suspension Section may do so by filing with the Section a written request for a hearing within ten (10) days of the issue date of an order of suspension or revocation. No hearing shall be held thereafter except where events uncontrollable by the aggrieved person are shown by him to have prevented a timely request. In the event it becomes necessary to reschedule a hearing because the aggrieved person fails to appear at the original hearing, such rescheduled hearing shall not operate as a stay of any suspension or revocation order pending the outcome of such rescheduled hearing.~~

~~(4) The Revocation and Suspension Section shall attempt to hold all requested hearings within thirty (30) days of the receipt of such request if possible. If a hearing must be held beyond this thirty (30) day period, it will be held as soon as practical.~~

~~Authority: O.C.G.A. §40-5-4, 40-9-34.~~

375-3-3-.04 Departmental Hearings. Amended.

Hearings on any action taken by the Suspension and Revocation Section shall be held in accordance with the following:

- A. Any person who is legally entitled to contest a ruling or order of the Department may do so by filing with the Department a request for hearing which shall contain the following:
 - 1. A title which indicates the nature of the proceedings;
 - 2. The complete name and address of the party filing the request;
 - 3. The name and address of all other interested parties;
 - 4. A clear and concise statement of the facts upon which the contested case arises;
 - 5. The legal authority under which the appeal is filed, including all code sections;
 - 6. A prayer setting forth the relief sought;
 - 7. If the party filing the request is represented by counsel, the name and address of counsel.
- B. All requests for a hearing must be signed by the party requesting the hearing or by party's counsel, if represented by counsel.
- C. Limitation on right to a hearing. The Department will grant hearings as a matter of right only upon timely receipt of a request containing the elements described in (a) above, but may, in its discretion, allow extensions of time and amendments of requests for good cause shown. Unless otherwise specified by statute or elsewhere within the rules of the Department, hearings requested because of an impending suspension and/or revocation must be requested in writing within ten (10) days of the issue date noted on the order or suspension or revocation. No hearing shall be held if requested thereafter except where events uncontrollable by the aggrieved person are shown by him or her to have prevented a timely request. In this regard, the decision of the Commissioner shall be final.
- D. Upon receipt of a timely, properly filed request for a hearing, the Department will forward the request and all pertinent documents to the Office of State Administrative Hearings in accordance with that agency's rules.

- E. Hearings. All hearings will be held in accordance with all applicable statutes and with the rules of the State Office of Administrative Hearings and the Department.
- F. In the event it becomes necessary to reschedule a hearing because the aggrieved person fails to appear at the original hearing, such rescheduled hearing shall not operate as a stay of any suspension or revocation order pending the outcome of such rescheduled hearing unless expressly provided by statute.
- G. Any appeals to the superior court from a final agency decision under the Administrative Procedure Act shall be served on the Department by personal service to the Legal Services Section, 2206 East View Parkway, Conyers, Georgia 30013. Service on any other person, agency, or entity shall not be considered service on or notice to the Department of the action for the purpose of appeals of contested cases under the Administrative Procedure Act. The party or counsel shall also furnish a copy of the appeal by mail to the Office of State Administrative Hearings and to the Department of Law, Public Safety Section, 40 Capitol Square, SW, Atlanta, Georgia 30334-1300.
- G. Cases Initiated Pursuant to O.C.G.A. §40-5-67.1.
1. In hearings conducted pursuant to O.C.G.A. §40-5-67.1, the arresting law enforcement officer may act on behalf of the Department as the complainant.
 2. Withdrawal of Suspension by Arresting Officer.
 - i. The arresting officer may at his or her discretion withdraw the administrative license suspension at any time during the ten (10) business days following the issuance of the Form 1205 or Form 1205s.
 - ii. If the licensee does not submit a request for a hearing, the suspension shall be upheld as the Final Decision of the Department by operation of law, and the arresting officer may not withdraw the administrative license suspension thereafter.
 - iii. If the licensee requests a hearing within the statutorily allotted period for same, the arresting officer may withdraw the administrative license suspension at his or her discretion at any point prior to the issuance of the Final Decision by the Administrative Law Judge. Upon the issuance of the Final Decision, the arresting officer may not withdraw the suspension.

Authority: O.C.G.A. §40-5-4, 40-9-34.

SYNOPSIS

STATEMENT OF PURPOSE AND MAIN FEATURES OF PROPOSED RULE

~~_____The purpose of this proposed amendment is to modify an existing regulation in light of changes in the governing statutes, specifically the changes made by H.B. 1441, enacted at the 2000 session of the General Assembly, which created the Department of Motor Vehicle Safety and transferred the responsibility for administration of the law relating to the suspension and revocation of driver's licenses. Additionally, this amendment clarifies the procedure for requesting an administrative hearing regarding a driver's license suspension or revocation and removes references to the rules of the Department of Public Safety.~~

DIFFERENCES BETWEEN EXISTING AND PROPOSED RULES

The rule has been rewritten to provide for the same procedure to be followed for all appeals of revocations and suspensions of driver's licenses. All appeals will now be referred to the Office of State Administrative Hearings.

Additional language is added to clarify the authority granted to law enforcement officers in the initiation and withdrawal of license suspensions pursuant to O.C.G.A. §40-5-67.1.

375-6-2-.02 Uniform Traffic Accident Reports.

- (1) Uniform Traffic Accident Reports shall be in a form prescribed by the Department of ~~Public~~ Safety.
- (2) All Georgia law enforcement agencies are required to submit Uniform Traffic Accident Reports through their particular chief law enforcement officer to the Georgia Department of Motor Vehicle Safety. Said reports shall be filed in all accidents which result in injury or death of any person or property damage to an apparent extent of \$500.00 or more, and occur on public roads, streets and highways of this State, including county and municipal roads.
- (3) Reports must be submitted to the Accident Reporting Unit of the Department of Motor Vehicle Safety, within fifteen (15) days after the end of the month in which the report was prepared or received.
- (4) Uniform Traffic Accident Reports must be typewritten or printed legibly in black ink. The Department of Motor Vehicle Safety may return illegible reports to the appropriate investigating agency for correction; such returned forms must be resubmitted to the Department within four days of the agency receipt.
- (5) Uniform Traffic Accident Reports may be submitted electronically in accordance with the current Georgia Standards for Electronic Crash Reporting Software, as promulgated by the Department.

Authority: O.C.G.A. §§ 40-9-30 and ~~40-6-273~~.

375-6-2-.02 Uniform Traffic Accident Reports. Amended.

- (1) Uniform Traffic Accident Reports shall be in a form prescribed by the Department of Motor Vehicle Safety.
- (2) All Georgia law enforcement agencies are required to submit Uniform Traffic Accident Reports through their particular chief law enforcement officer to the Georgia Department of Motor Vehicle Safety. Said reports shall be filed in all accidents which result in injury or death of any person or property damage to an apparent extent of \$500.00 or more, and occur on public roads, streets and highways of this State, including county and municipal roads.
- (3) Reports must be submitted to the Accident Reporting Unit of the Department of Motor Vehicle Safety, within fifteen (15) days after the end of the month in

which the report was prepared or received.

(4) Uniform Traffic Accident Reports must be typewritten or printed legibly in black ink. The Department of Motor Vehicle Safety may return illegible reports to the appropriate investigating agency for correction; such returned forms must be resubmitted to the Department within four days of the agency receipt.

(5) Uniform Traffic Accident Reports may be submitted electronically in accordance with the current Georgia Standards for Electronic Crash Reporting Software, as promulgated by the Department.

Authority: O.C.G.A. §§ 40-9-30 and 40-6-278.

STATEMENT OF PURPOSE AND MAIN FEATURES OF PROPOSED RULE

~~————The purpose of this proposed amendment is to modify an existing regulation in light of changes in the governing statutes, specifically the changes made to O.C.G.A. §40-6-278 during the 2003 session of the General Assembly, which transferred the responsibility for prescribing the accident report form to the Department of Motor Vehicle Safety.~~

DIFFERENCES BETWEEN EXISTING AND PROPOSED RULES

The rule has been amended to remove the reference to the Department of Public Safety and replace it with the Department of Motor Vehicle Safety.